

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - NW/Corner Virginia and Chesapeake Aves. (111 E. Chesapeake Avenue) 9th Election District 4th Councilmanic District

* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

Case No. 89-344-SPHA

111 E. Chesapeake Ave. Ltd. Part. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the originally approved site plan submitted in Case No. 84-174-A by replacing it with the substitute site plan submitted herein and permission to retain the variances granted in Case No. 84-174-A to the extent applicable to the substitute site plan; and a variance to permit side yard setbacks of 1 foot on the west side and 5 feet on the east side in lieu of the required 10 feet for each, and an amenity open space of 1,755 sq.ft. in lieu of the required 2,884.5 sq.ft., all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Paul S. Brody, General Partner, appeared, testified, and were represented by Philip J. Kotschenreuther, Esquire. Also appearing on behalf of the Petitions were Donald Kann with Kann and Ammon, Architects, and Leslie Graef, Executive Director of the Towson Development Corporation. Appearing as a Protest was Vernon A. Bolte, Jr., representing the Greater Towson Community Association.

Testimony indicated that the subject property, known as 111 E. Chesapeake Avenue, consists of 0.81 acres more or less zoned B.M.-C.T. and is located on the corner of Virginia and Chesapeake Avenues. Testimony indicated Petitioners were granted variances in Case No. 84-174-A for the subject property which at that time consisted of approximately 0.54 acres

more or less. Petitioners have purchased additional property adjacent to the subject site and have revised the previously approved site plan expanding the proposed six-story office building and adding a four-level parking garage. Testimony indicated Petitioners plans have been modified as a result of market studies and the development of the multi-purpose Courts building across from the subject property.

Mr. Kann testified that to grant the requested variances would have no adverse impact on the health, safety or general welfare of the surrounding community. He elaborated in detail as to Petitioners' reasons for believing the proposed plan meets the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioners submitted as Petitioner's Exhibit 2 a landscaping plan to support its position that the granting of the A.O.S. variance will not result in any hardship upon surrounding properties. Testimony presented by Petitioner's witnesses indicated that the proposed landscaping plan has been developed with great care and attention toward providing landscaping along Virginia and Chesapeake Avenues. Additionally, Petitioners have agreed to landscape within the Baltimore County right-of-way area. Said landscaping was not included in Petitioner's calculation of A.O.S. provided herein.

Mr. Graef, Executive Director of the Towson Development Corporation (TDC) and formerly Director of the Baltimore County Office of Planning, testified that his organization is not opposed to the proposed building and it is his belief that the conditions delineated in Section 307 are met by this proposal. He further indicated that a strict interpretation of the B.C.Z.R. in this instance creates a practical difficulty for development in the heart of Towson. He emphasized that TDC as well as others are working with Baltimore County regarding updating the zoning regula-

tions with an examination of those regulations that would best promote appropriate development in Towson. He further pointed out that the A.O.S. provided by Petitioners' project is within the spirit and intent of the B.C.Z.R. Mr. Graef noted that Mr. Brody had been involved in other projects in Towson which have provided an example for other developers with respect to landscaping of the property.

Mr. Bolte testified that the Greater Towson Community Association is opposed to the relief requested due to the potential for infringement upon the residential properties across from the subject site on Virginia Avenue. Although the property is zoned R.O., Mr. Bolte noted that some of those properties continue to be used as private residences. There was disagreement by the parties as to how many residences are in the area. Mr. Bolte's concerns are valid and can best be addressed by imposing the restrictions set forth hereinafter.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Molan v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to Applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 32 Md. App. 29 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of March, 1989 that the Petition for Special Hearing to approve an amendment to the originally approved site plan submitted in Case No. 84-174-A by replacing it with the substitute site plan submitted herein and permission to retain the variances granted in Case No. 84-174-A to the extent applicable to the substitute site plan; and variances to permit side yard setbacks of 1 foot on the west side and 5 feet on the east side in lieu of the required 10 feet for each, and an amenity open space of 1,755 sq.ft. in lieu of the required 2,884.5 sq.ft., all as more particularly described in Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-344-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section See Attachment A which is a part of this Petition

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See Attachment A which is a part of this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Not Applicable	111 East Chesapeake Limited Partnership
(Type or Print Name)	(Type or Print Name)
Signature	Signature Paul S. Brody, General Partner
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Attorney for Petitioner:
Federer and Garten Professional Association and Philip J. Kotschenreuther	100 East Pennsylvania Avenue
(Type or Print Name)	Address
Signature	Towson, Maryland 21204
36 S. Charles Street, Suite 2300	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21201	Paul S. Brody, General Partner
City and State	Name
Attorney's Telephone No.: 539-2800	100 East Pennsylvania Avenue
	Towson, Maryland 21204 823-7171
	Address

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of Feb, 1989, at 11 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

(over)

Attachment A

Zoning Variances for Proposed Office Building Designated as "111 Chesapeake Avenue East" Located at the Northwest Corner of Chesapeake and Virginia Avenues in Towson, Maryland

Variances Requested

Variances from the following Baltimore County Zoning Code Sections are requested:

1. Sections 235.2 and 232.2.b. to permit side yard set backs of 1 foot (westside) and 5 foot (eastside) in lieu of the required 10 feet and 10 feet, respectively.
2. Section 235B.4. to permit an amenity open space total of 1,755 square feet in lieu of the required 2,884.5 square feet.

The variances requested herein are in addition to those variances granted to the 150 foot portion of the property in Case No. 84-174-A.

Reasons for Variances

The above variances are requested for the following reasons:

1. Variance No. 1 is requested because:

a. Strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship. Additional land cannot be acquired to strictly comply with the zoning regulations cited in Attachment A. Providing for the set backs required by the zoning regulations would significantly reduce the usable land and rental floor space of this office building. Such a reduction would seriously limit the future income generated by this building and make ownership and operation of this building uneconomical.

b. Granting the variances requested herein would not violate the spirit and intent of Baltimore County's height and area regulations. The setback restrictions in the regulations were intended to allow for highway widening. Such widening is contemplated by and allowed for in the site plan for this office building. It is because the contemplated widening has been provided that this office building doesn't strictly comply with setback restrictions.

2. Variance No. 2 is requested because:

a. Strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship. Additional land cannot be acquired to strictly comply with the zoning regulations cited in Attachment A. Providing for the amenity open space required by the zoning regulations would significantly reduce the usable land and rental floor space of this office building. Such a reduction would seriously limit the future income generated by this building and make ownership and operation of this building uneconomical.

b. Granting the variances requested herein would not violate the spirit and intent of Baltimore County's regulations. The amenity open space requirements in the regulations were intended to create useful exterior space primarily for occupants of the facility. The subject facility is an office building where the need for exterior space for the occupants is minimal. Sufficient amenity open space has been provided in the Site Plan for this office building.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-344-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amendment of the original site plan submitted in Case No. 84-174-A by replacing it with the substitute site plan submitted herewith, while retaining the zoning variances granted in Case No. 84-174-A to the extent applicable to the substitute site plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Not Applicable	111 East Chesapeake Limited Partnership
(Type or Print Name)	(Type or Print Name)
Signature	Signature Paul S. Brody, General Partner
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	Attorney for Petitioner:
Federer and Garten Professional Association and Philip J. Kotschenreuther	100 East Pennsylvania Avenue
(Type or Print Name)	Address
Signature	Towson, Maryland 21204
36 S. Charles Street, Suite 2300	City and State
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21201	Paul S. Brody, General Partner
City and State	Name
Attorney's Telephone No.: 539-2800	100 East Pennsylvania Avenue
	Towson, Maryland 21204 823-7171
	Address

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of Feb, 1989, at 11 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County.

(over)

Paul L. P.E.

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
(301) 821-5341

DESCRIPTION

1111 EAST CHESAPEAKE AVENUE
9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located at the intersection of the north side of Chesapeake Avenue with the west side of Virginia Avenue; said point also being located 29 feet² from the center of Virginia Avenue, thence binding along the west side of Virginia Avenue (1) N 11°15'33" E - 179.61 feet, thence leaving said west side of Virginia Avenue (2) N 82°59'31" W - 143 feet to the center of a 16 foot alley, thence binding along the center of a 16 foot alley (3) S 11°15'33" W - 60 feet, thence leaving said center of 16 foot alley (4) S 82°59'31" E - 8 feet² to the east side of said alley; thence binding on the east side of said alley (5) S 11°15'33" W - 120 feet to the north side of Chesapeake Avenue, thence binding on the north side of Chesapeake Avenue (6) S 83°10'41" E 134.35 feet to the point of beginning.

Containing 0.81 Acres of land more or less.



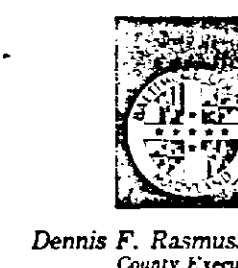
J.O. 88-048
Nov. 23, 1988

Engineers - Surveyors - Site Planners



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 587-3233
J. Robert Haines
Zoning Commissioner

March 9, 1989



Philip J. Kotschenreuther, Esquire
36 S. Charles Street, Suite 2300
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
NW/Corner Virginia and Chesapeake Avenues
(111 E. Chesapeake Avenue)
9th Election District - 4th Councilmanic District
111 East Chesapeake Avenue Limited Partnership - Petitioners
Case No. 89-344-SPHA

Dear Mr. Kotschenreuther:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Vernon A. Bolte, Jr.
107 Amagh Drive, Baltimore, Md. 21212

People's Counsel

File

Mr. Leslie Graef, Executive Director
Towson Development Corporation
29 W. Susquehanna Avenue, Suite 10, Towson, Md. 21204

IN RE: PETITION ZONING VARIANCES
NW/Corner of Chesapeake & Virginia Aves. & W/S of Virginia Ave., 94.65' N of Pa. Ave.
9th Election District
Paul S. Brody
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-174-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a front yard setback of zero feet instead of the required 15 feet from the property line bordering Chesapeake Avenue, a side yard setback of zero feet from the property line bordering the alley to the west instead of the required 10 feet, a side yard setback of 2 feet from the property line bordering Virginia Avenue instead of the required 10 feet, a zero foot setback from the street property line for parking spaces instead of the required 8 feet, an amenity open space ratio of .025 instead of the required 10 feet, 98 parking spaces instead of the required 91 or 36 spaces of 94 total spaces being 7.5' x 16' (210 square feet) instead of the required 8.5' x 18' (300 square feet).

The Petitioner is seeking to build a six story office building on the site in question, as is more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Counsel. Testifying for the Petitioner were Donald Kann, a registered architect, Roger Katzenberg, a registered architect, and Les Graef, executive director of the Towson Development Corporation. Appearing also was John Rohde, a business neighbor of the proposed office building.

Testimony indicated that the property is zoned B.M.-C.T. To the east, directly across from the site, is an area zoned R.O., comprising an existing residential area. The Petitioner owns the site which is comprised of two parcels, and he proposes to construct a six story building, of which one will be for parking and the other five for office use. The parking on site will permit room for 29 spaces of the 91 required, which is determined by the total square footage of the proposed building.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

DATE: 11/3/88

FROM: ZONING OFFICE

PROJECT NAME: 111 East Chesapeake Avenue PLAN: 8/30/88

LOCATION: NW/Cor. East Chesapeake Avenue and Virginia Avenue

REV.: 10/28/88 REV.:

DISTRICT: 9c4

REVISED PLAN KEY:

- (X) COMPLIANCE WITH COMMENT CHECKED
- (O) NON-COMPLIANCE IS CIRCLED
- (BA) BE ADVISED (NOT NECESSARY FOR CRO APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)

ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

1. Clearly show the Towson Town Center boundary on the vicinity map and clearly show the B.M.-C.T./R.O. zone line in the centerline of Virginia Avenue as per the zoning map #NE10A. Include the scale of the vicinity map.
2. Reference the previous zoning variance hearing on a portion of the property (150' N centerline of Chesapeake Avenue), case #84-174A in which the following was granted on 1/16/84 by the Zoning Commissioner:

- a. front yard setback of 0' in lieu of the required 15 ft.
- b. side yard setback (W/S) of 0' in lieu of the required 10 ft.
- c. side yard setback (E/S) of 2' in lieu of the required 10 ft.
- d. parking within 0' of a street R/W in lieu of the required 8'.
- e. an A.O.S. ratio of 0.025 in lieu of the required 0.1.
- f. 88 parking spaces in lieu of the required 91 or 36 spaces of 94 total spaces to be 7.5' x 16' in lieu of the required 8.5' x 18' spaces.

On 5/24/84, the owner, by his attorney gave notice to the Zoning Commissioner that the above variances that were granted would be abandoned. Notwithstanding this letter which has no effect on the variances granted, the variances are "in place" on the property, not to be frustrated by a letter from the owner. However, it does appear that additional setback variances on the "additional" northern portion of the property and possibly an additional A.O.S. variance on the southern portion and northern portion of the property would be required. Credit would be given for the variances "in place" on the southern portion, but a special hearing to amend the original site plan must accompany the additional variance requests. The "in place" variances quantities and restrictions and the proposed additional requested relief both must be clearly shown on the C.R.G. plan and the plan accompanying the petitions.

PETITIONER
EXHIBIT

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: 111 East Chesapeake Avenue
DATE: 11/3/88
PAGE 2

3. A more detailed and larger scale height tent drawing and parking level plans will be required prior to acceptance for filing for the zoning hearings. The height tent drawing is important because it is possible that the provisions of S.231 may be met by area averaging as specified in S.231.b.
4. Final zoning approval would be contingent upon the outcome of the public hearing for the variances identified here and any additional conflicts that may be identified during the review process.

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 10, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 7, 1989.

TOWSON TIMES,

Publisher

5. Zabe. Order

PO 09643
rg M25241
ca 89-344-SPHA
price \$133.40

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Vernon A. Bolte, Jr.
107 Amagh Drive
Baltimore, Md. 21212
Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

January 23, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 89-344-SPHA
NW/Corner of Chesapeake & Virginia Avenues
111 E. Chesapeake Avenue
9th Election District - 4th Councilmanic District
Petitioner(s): 111 E. Chesapeake Limited Partnership
HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 11:00 a.m.

Special Hearings Amendment of the original site plan submitted in Case No. 84-174-A by replacing it with the substitute site plan submitted herewith, while retaining the zoning variances granted in Case No. 84-174-A to the extent applicable to the substitute site plan. Variance to permit side yard set back of 1 foot (westside) and 5 foot (eastside) in lieu of the required 10 feet and 10 feet, respectively, to permit an amenity open space total of 1,755 square feet in lieu of the required 2,894.5 square feet the variances requested herein are in addition to those variances granted to the 150 foot portion of the property in Case No. 84-174-A.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: 111 East Chesapeake Limited Partnership
Fadden & Garten, P.A./Philip J. Kotschenreuther, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 2/27/89



Dennis F. Rasmussen
County Executive

111 East Chesapeake Limited Partnership
100 East Pennsylvania Avenue
Towson, Maryland 21204

ATTN: PAUL S. BRODY, GENERAL PARTNER

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 89-344-SPHA
111 E. Chesapeake Avenue
9th Election District - 4th Councilmanic
Petitioner(s): 111 E. Chesapeake Limited Partnership
HEARING SCHEDULED: FRIDAY, FEBRUARY 24, 1989 at 11:00 a.m.

Gentlemen:
Please be advised that \$163.40 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs

cc: Phillip J. Kotschenreuther, Esq.
File

89-344-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
21st day of December, 1988.

Petitioner: Paul S. Brody
Petitioner's Attorney: Philip J. Kotschenreuther

Received by: J. Robert Haines
ZONING COMMISSIONER
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 2/13/89
Posted for: Special Hearing to Varnice
Petitioner: 111 E. Chesapeake Limited Partnership
Location of property: 111 E. Chesapeake Ave.
Location of Sign: 111 E. Chesapeake Ave.
Remarks: None
Posted by: [Signature] Date of return: 2/18/89
Number of Signs: 2

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 8, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Philip J. Kotschenreuther, Esquire
Pedder & Garten Professional Assoc.
36 S. Charles Street, Suite 2300
Baltimore, MD 21201

RE: Item No. 247, Case No. 89-344-SPHA
Petitioner: Paul S. Brody
Petition for Special Hearing

Dear Mr. Kotschenreuther:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosure

cc: Mr. Paul S. Brody
100 East Pennsylvania Avenue
Towson, MD 21204

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, 209, 237, 238, 239, 240, 241, 243, 244, 245, 246, and 247.

Michael S. Plangan
Traffic Engineer Associate II

MSE/LW

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: 111 E. Chesapeake Ltd. Partnership

Location: NW/c Va. and Chesapeake Avenues

111 E. Chesapeake Avenue

Item No.: 247 Zoning Agenda: Meeting of 12/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 12-29-88
PLANNING STAFF
Special Inspection Division

NOTED &
APPROVED:

[Signature]
Fire Prevention Bureau

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines
Zoning Commissioner

Date: February 15, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

111 E. Chesapeake Ltd. Partnership

SUBJECT: Zoning Petition No. 89-344-SPHA

The petitioner is requesting a special hearing and variances to establish an office building in the Towson Town Center District. In reference to this request, staff provides the following information:

* The petitioner received CRG approval on 11/3/88. As part of that approval, a detailed landscape and streetscape plan was provided. The petitioner also adjusted the building setbacks to comply with staff comments.

* There is one point of inconsistency between the site plan submitted as part of this request and the site plan approved by CRG. The CRG site plan showed a three level parking garage and the variance request shows a four level parking garage. The issue should be clarified by the petitioner prior to approval.

Based upon the analysis conducted, staff recommends approval of the petitioner's request.

PK/sf



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

February 22, 1989

Mr. Robert Covahey, Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
11426 York Road
CRG Meeting of 2-9-89
W/S York Road
North of Shawan Rd.
89-335-A

Dear Mr. Covahey:

This is a follow up to our CRG comments of 2-8-89 in which we required a future 100' right of way (measured from the centerline of York Road).

Our comments should be revised to show a future 40' right of way (measured from the centerline) plus an additional 20' for a perpetual easement we will need in conjunction with our York Road improvements in this area.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

William J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

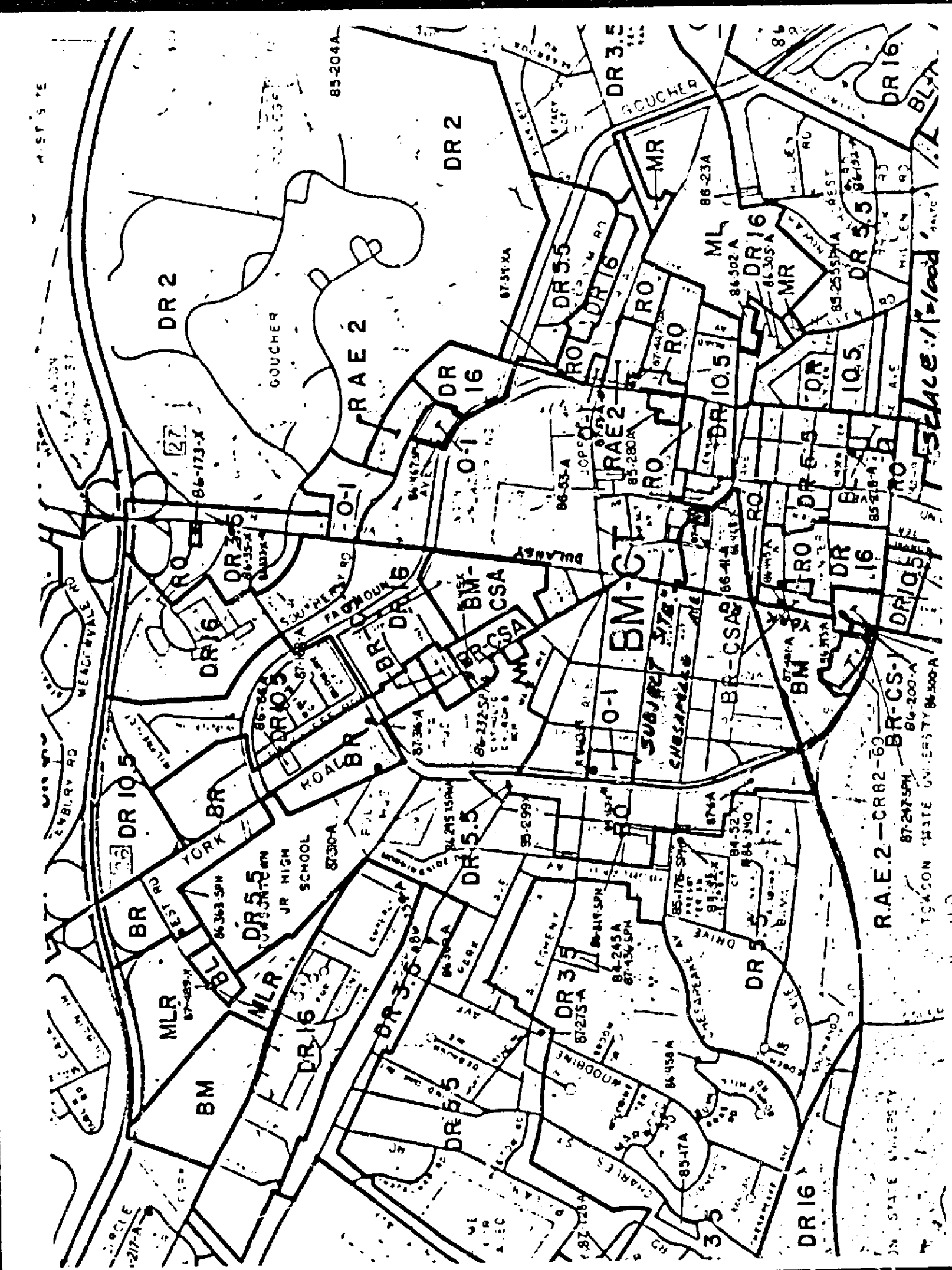
LB:maw

cc: Mr. Stuart Kaplow
McKee & Associates
Mr. J. Dyer

RECEIVED
FEB 23 1989
ZONING OFFICE

My telephone number is (301) 333-1350

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-482-5982 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



LANDSCAPE CALCULATIONS

PLANTING REQUIRED:
 ONE TREE PER 40 LF. RD. FRONTAGE
 $(330 \div 40) = 8$
 ONE TREE PER 12 PARKING SPACES
 EXPOSED TO GRADE LEVEL $(38 \div 12) = 3$
 SCREEN PARKING FROM STREET &
 RESIDENCES TO EAST
 TOTAL PLANTING REQUIRED = 11 TREES
 PLUS SCREENING

TOTAL PLANTING PROVIDED = 14 TREES
 PLUS SCREENING

GENERAL INFORMATION

1. DEVELOPMENT: N.W. COR. CHESAPEAKE & VIRGINIA AVE.
 111 E. CHESAPEAKE AVE.

2. APPLICANT: PAUL S. BROCK
 101 E. PENNSYLVANIA AVE.
 TOWSON, MD. 21204
 TEL. 823-7171

3. ENGINEER: PAUL LEE ENGINEERING, INC.
 304 W. PENNSYLVANIA AVE.
 TOWSON, MD. 21204
 TEL. 821-5041

4. SCALE: AS SHOWN
 5. DATE: AUG. 1988
 6. ELECTION DIST. 7
 7. COUNCILMANIC DIST. 4
 8. CENSUS TRACT 4000
 9. WATERSHED 28
 10. SUBWATERSHED 55
 11. COORDINATES AS SHOWN

12. NET AREA = 25,740 S.F.
 1/2 ROAD (30') = 9,547 S.F.
 GROSS AREA = 35,287 S.F.

13. AMENITY OPEN SPACE: MIN. A.O.S. = 3.1% REQ'D.
 REQ'D. A.O.S. = $0.01(35,287) = 352.87$ S.F.
 PROVIDED A.O.S. = 2,112 S.F. (VARIANCE REQUESTED)

14. PARKING DATA:
 FIRST FLR. (OFFICE) 5500 S.F. @ 100 S.F./SP. = 55 SP.
 2ND-6TH FLR. (GEN. OFFICE) 54,000 S.F. @ 100 S.F./SP. = 540 SP.
 REQUIRED PARKING SPACE = 595 SP.
 PROVIDED 128 SP. (INC. 4 HZ)

15. PROPOSED BLDG. TO BE STEEL FRAME & MASONRY
 16. REQ'D. QUANTITY OF TREES = $35.287 / 40 = 8$
 (ALLEY NOT INCLUDED) AT GRADE PARKING 1/2 TOTAL
 LANDSCAPE PLANT PER MANUAL
 17. FLR. AREA RATIO = $\frac{BLDG. AREA}{GROSS AREA} = \frac{124,200}{35,287} = 3.52$

18. MAX. F.A.R. = 5.5

19. BEARINGS & DISTANCES = AS SHOWN

20. N/A

21. SEWER & WATER LINES = AS SHOWN

22. FIRE HYDRANT LOCATION = AS SHOWN

23. SOIL TYPE

G10 - GLENNELG-URBAN LAND COMPLEX, 0 TO 8% SLOPES

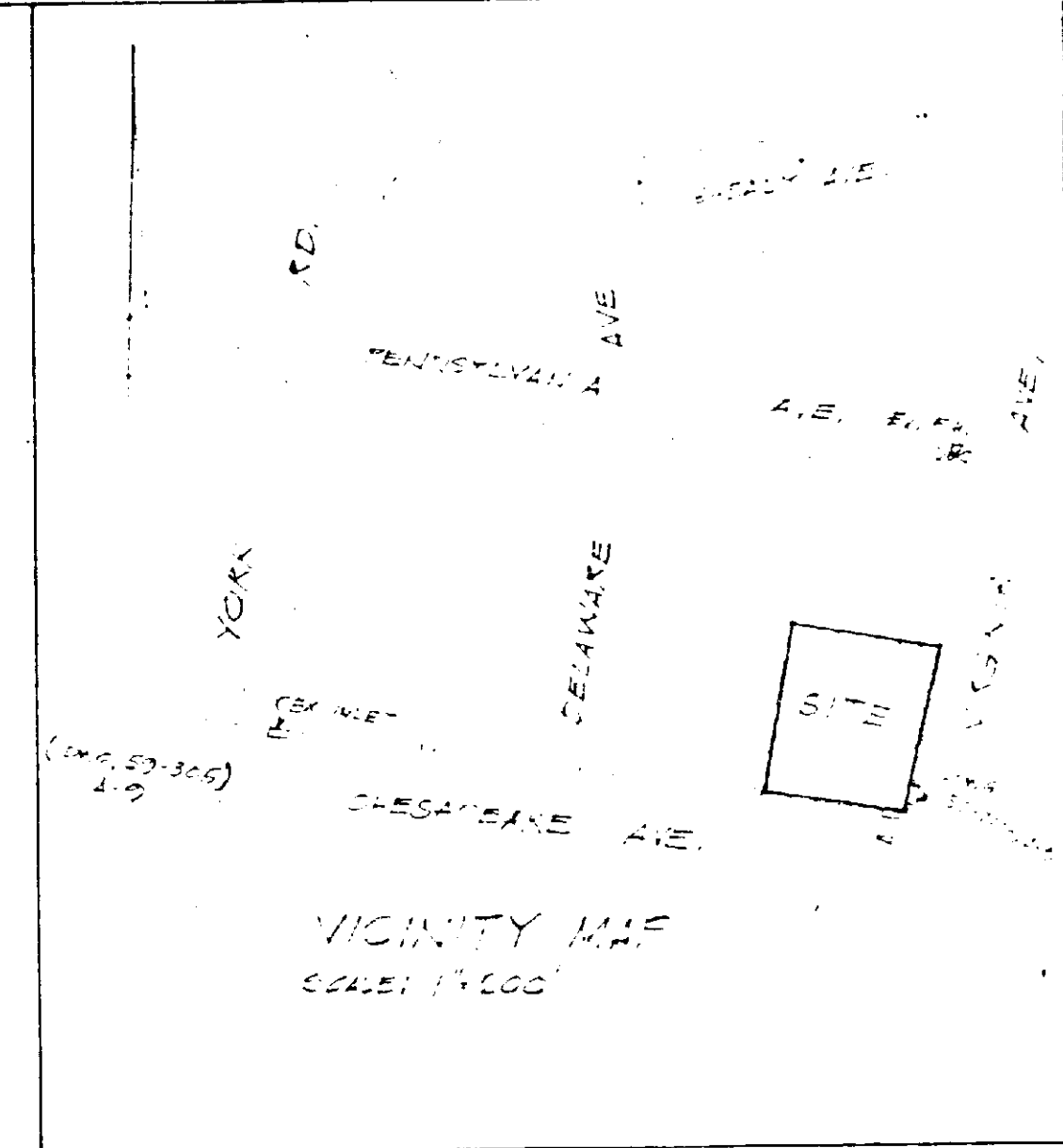
AREA	TYPE	BLDG.	PARKING	CLASS
1.16 AC	G10	SLIGHT	100'	B

24. EXISTING TOPOGRAPHY = AS SHOWN

25. PROP. GRADING = AS SHOWN

KEY:

	DECIDUOUS TREE 2-2 1/2"
	FLOWERING TREE
	MEDIUM HEIGHT EVERGREEN SHRUB
	LOW EVERGREEN GROUND COVER



1. 10, 10, 10 & 21' N/A
2. EXISTING BLDG. - NONE
3. NO ADJACENT BLDG. ON THE SITE
4. EXISTING ADJACENT BLDG. - NONE
5. EXISTING ZONING - R-1, R-2
6. N/A
7. PROPERTY OWNER: 111 EAST CHESAPEAKE PARTNERSHIP
 101 E. PENNSYLVANIA AVE.
 TOWSON, MD. 21204
 DEED PER # 24-06-050701
 07-23-251861
 07-23-351861
8. ADJACENT PROPERTIES - AS SHOWN
9. PROP. BLDG. LAYOUT & SETBACKS - AS SHOWN
10. COMMON OPEN SPACE - AS SHOWN
11. PARKING LAYOUT - AS SHOWN
12. STREET " " " "
13. N/A
14. AVERAGE (ADT) = 1071
15. EASEMENTS & RIGHTS-OF-WAY - AS SHOWN
16. EXIST. STORM DRAIN LOCATED IN CHESAPEAKE AVE.
17. EXIST. & PROP. UTILITIES SYSTEM - AS SHOWN
18. STORM WATER MANAGEMENT - AS SHOWN
19. 30, 30, 41, 42, 43 & 44 - THERE ARE NO NATURAL, CRITICAL AREAS, GEOLOGICAL SITES, ENDANGERED SPECIES, OR OTHER SENSITIVE MATERIAL SITES WITHIN THE SITE.

PETITIONER'S EXHIBIT 2

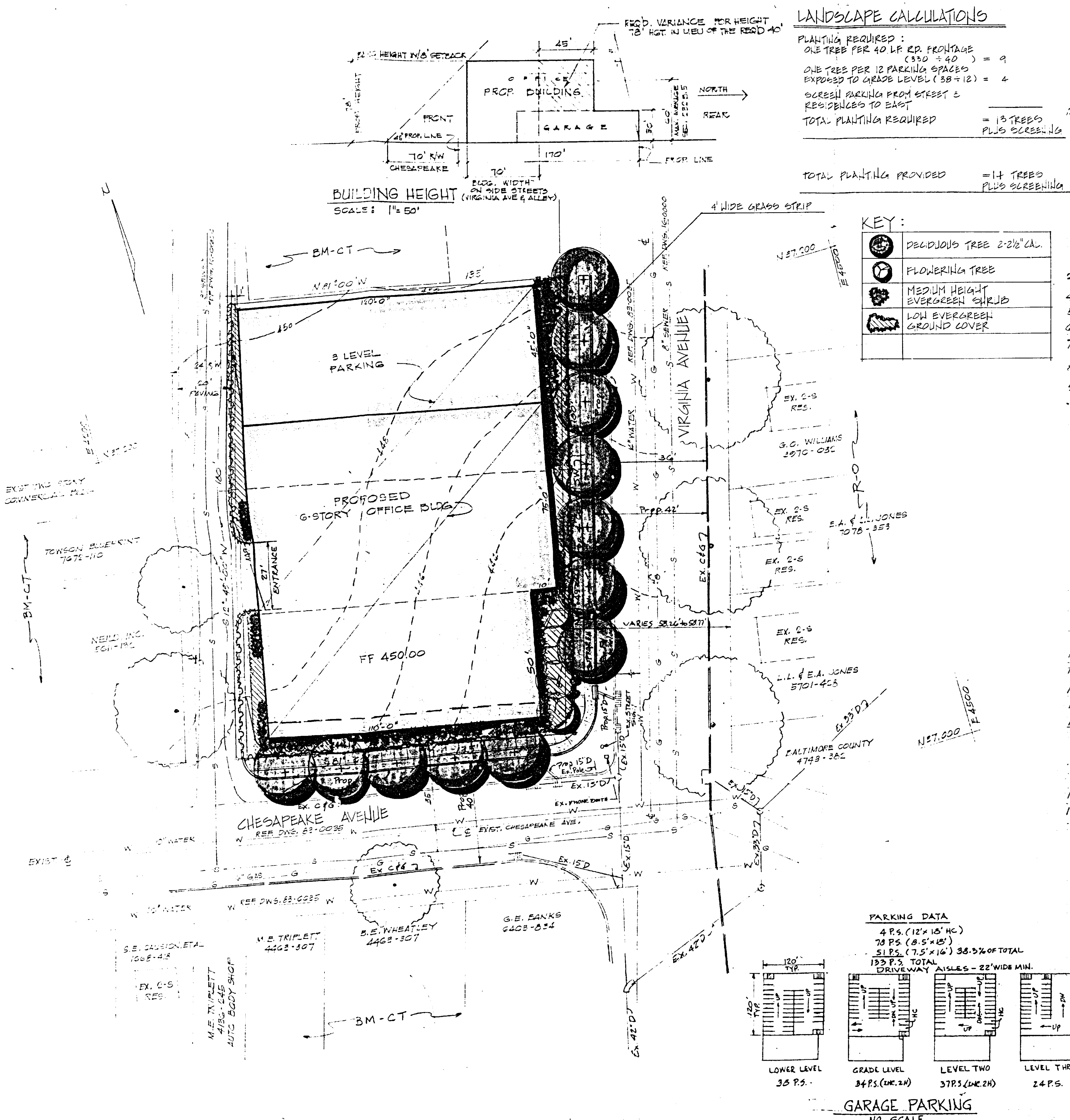
C.R.G. PLAN - LANDSCAPE

111 CHESAPEAKE AVE. EAST
 N.W. CORNER CHESAPEAKE & VIRGINIA AVE.
 "PROPOSED OFFICE BUILDING"

7TH ELEC. DIST.
 SCALE: 1" = 20'

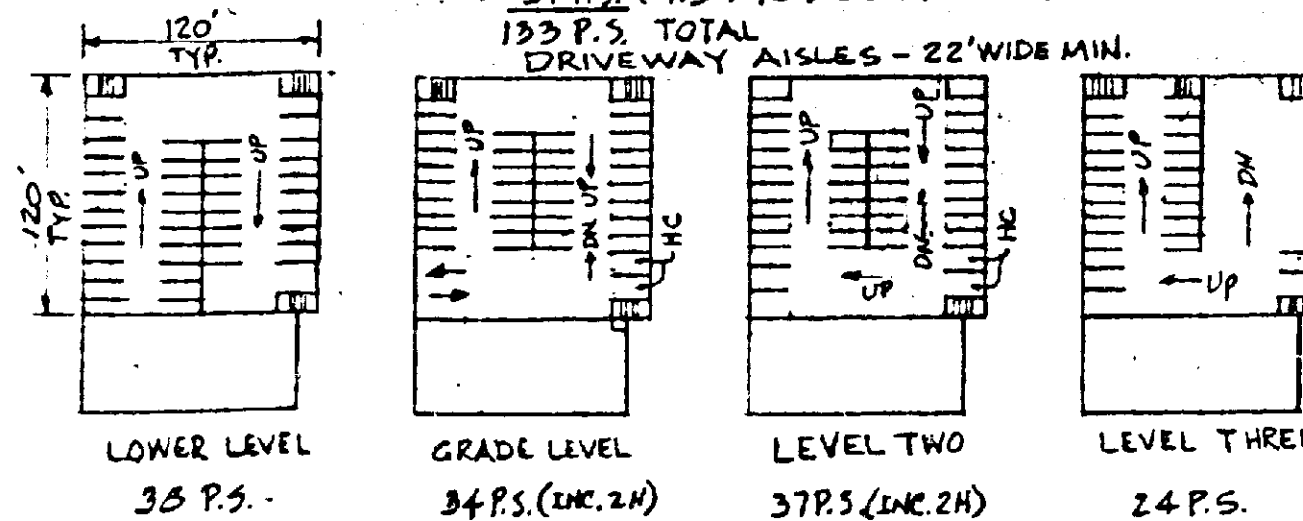
BALTO. CO., MD.
 AUG. 30, 1988
 OCT. 5, 1988

ENGINEER HUMAN & ROHDE, INC. Landscape Architects 110 E. Pennsylvania Avenue Towson, Maryland 21204 (301) 825-3885			ENGINEER PAUL LEE ENGINEERING, INC. 304 W. PENNSYLVANIA AVE. TOWSON, MARYLAND, 21204 CHECK BY: PLE SHEET 1
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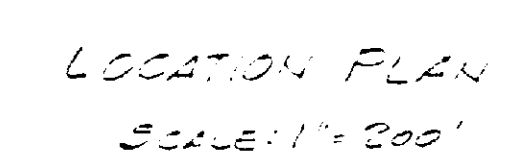
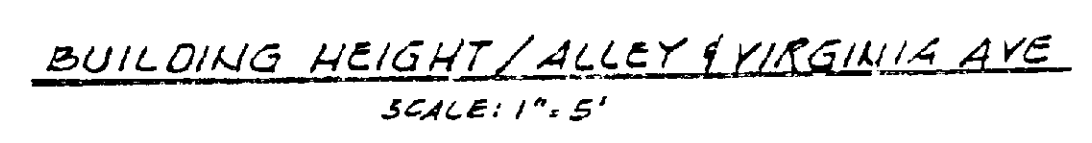
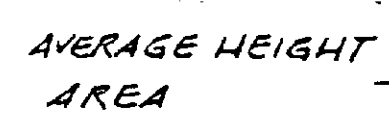
PARKING DATA

4 P.S. (12' x 18' HC)
 78 P.S. (8.5' x 18')
 51 P.S. (7.5' x 16') 38.3% OF TOTAL
 133 P.S. TOTAL
 DRIVEWAY AISLES - 22' WIDE MIN.



GARAGE PARKING
 NO SCALE

1'SIDE YARD SETBACK -
REQUESTED IN LIEU OF
REQ'D. 10' (A VAR. OF 9')



1. AREA OF SITE = $3,287.5\text{ SF}$ (0.81 AC.^{\pm}) GROSS
NET AREA = $25,740.5\text{ SF}$ (0.59 AC.^{\pm}), NET AREA AFTER WIDENING = $23,354.5\text{ SF}$ (0.54 AC.^{\pm})
2. EXISTING ZONING OF SITE = "BM-CT"
3. EXISTING USE OF SITE = "PARKING LOT"
4. PROPOSED ZONING OF SITE = "BM-CT"
5. PROPOSED USE OF SITE = "6 STORY OFFICES & 4 LEVELS PARKING"
6. REQUIRED OFF STREET PARKING:

A. 1ST FL. OFFICES - 5500 SF @ 3.3% / 1000	= 8.2
B. 2ND-6TH FLS. OFFICES - 54,000 SF @ 2.2% / 1000	= 108.0
C. TOTAL PARKING SPACES REQUIRED:	= 127
7. NUMBER OF PARKING SPACES SHOWN (INCL. 4 H.C.) = 133
8. VARIANCES & PARKING VARIANCE FOR NUMBER AND/OR SIZE OF PARKING SPACES (SEE CASE #24-172A)
9. CRG APPROVAL GRANTED NOV. 3, 1983 PUBLIC SERVICE #33-26
10. PETITIONER REQUESTING A VARIANCE TO SECTION 235.2 & SPECIAL REGULATION FOR C.T. DISTRICTS OF THE ZONING REGULATIONS TO PERMIT A TOTAL AREA OF SPACE AREA OF 1755 SF IN LIEU OF THE REQUIRED 2884.5 SF (A VAR. OF 1129 RB2.D. A.O.S. (CASE #88-174A) 0.025 (53,360 SF OFFICE + 21960 SF GARAGE) = 1825.50 SF
REMAINDER - 0.01 (5,640 SF OFFICE) + 0.02 (21,240 SF GARAGE) = 389.00 SF
TOTAL A.O.S. REQUIRED = 2884.5 SF
TOTAL A.O.S. PROPOSED = 1775 SF.
11. PETITIONER REQUESTING A VARIANCE TO SECTION 235.2 & 232.2.6 OF THE ZONING REGULATIONS TO PERMIT A 5' SIDE YARD SETBACK (VIRGINIA AVE.) IN LIEU OF THE REQUIRED 10' (A VAR. OF 5') & A 1' SIDE YARD SETBACK (24' ALLEY) IN LIEU OF REQUIRED 10' (A VAR. OF 9')
12. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND SITE PLAN
13. PUBLIC UTILITIES AVAILABLE TO SITE.

5TH ELECT. DIST. BALTIMORE COUNTY, MD.
SCALE: 1" = 20' OCT. 31, 1988

28-043



401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

September 19, 1991

Mr. Paul S. Brody, President
H. A. Harris Co., Inc.
100 E. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Brody:

In response to our meeting 9/16/91, staff offers the following comments regarding the request for extension of the CRG Plan known as 111 E. Chesapeake Avenue. As you are aware, our office was concerned that the following comments be addressed in a public forum. The comments provided below involve concerns that would be reflected in a CRG plan evaluation.

1. Conformance with Zoning Regulations.

The project is located in the RM-CT district. The project complies with all County Zoning in effect at that time and is in conformance with current zoning regulations. Variances were granted March 9, 1989, as part of Zoning Case No. 89-344-SPHA. Variances to side yard setbacks and amenity open space were granted by the Zoning Commissioner at that time. Conditions were imposed which addressed appropriate landscaping and lighting along Virginia Avenue in order to mitigate any impacts upon the residences located across Virginia Avenue.

2. Conformance with Development Regulations.

a. Section 22-283 of the development regulations requires the creation and adoption of a County Landscape Manual. Subsequent to the approval of this plan a revised Landscape Manual was adopted by the County on October 1, 1990 (Resolution 56-90). Chapter IX, Landscape Standards contains a new Section D, Community and Town Center Districts. Based upon the new landscape manual and the zoning commissioners order dated March 9, 1990 staff would request that the schematic Landscape Plan be revised subject to the following comments and as provided in the enclosed attachment.

Mr. Paul S. Brody, President
Page 3
September 19, 1991

As stated in Section 26-210 Expiration of Plan Approval in the Development Regulations, "(b) An applicant may request, in writing, an extension of the time provided in subsection (a) of this section which request may be granted by the directors of public works and office of planning and zoning, in writing, upon certification by the applicant that the plan meets the development regulations in effect at the time of the request for said extension."

This office recommends that the CRG plan for this project be extended subject to the issues raised are addressed by the applicant.

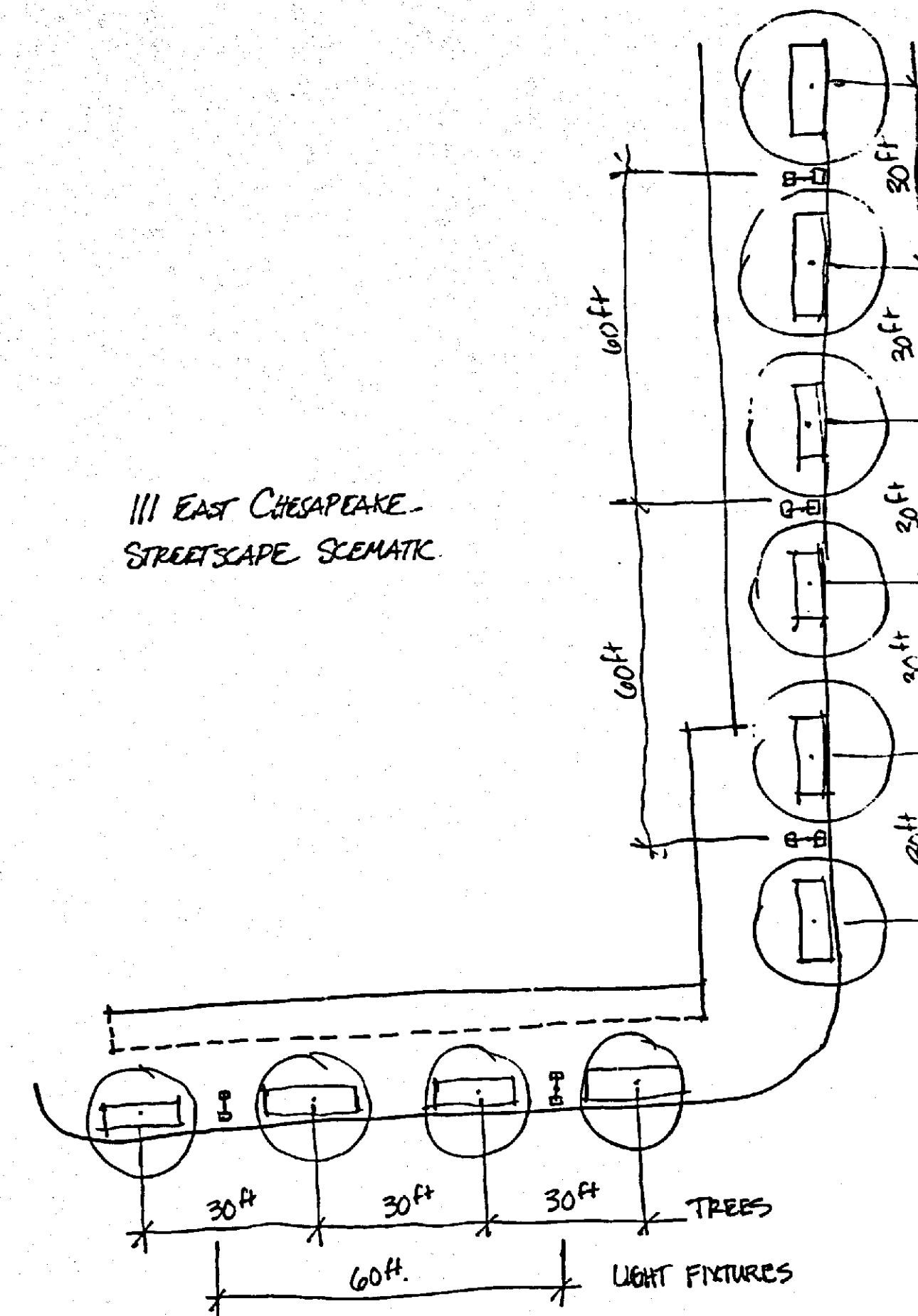
If you have any questions or require any additional information, please feel free to contact me at 887-3211.

Sincerely,

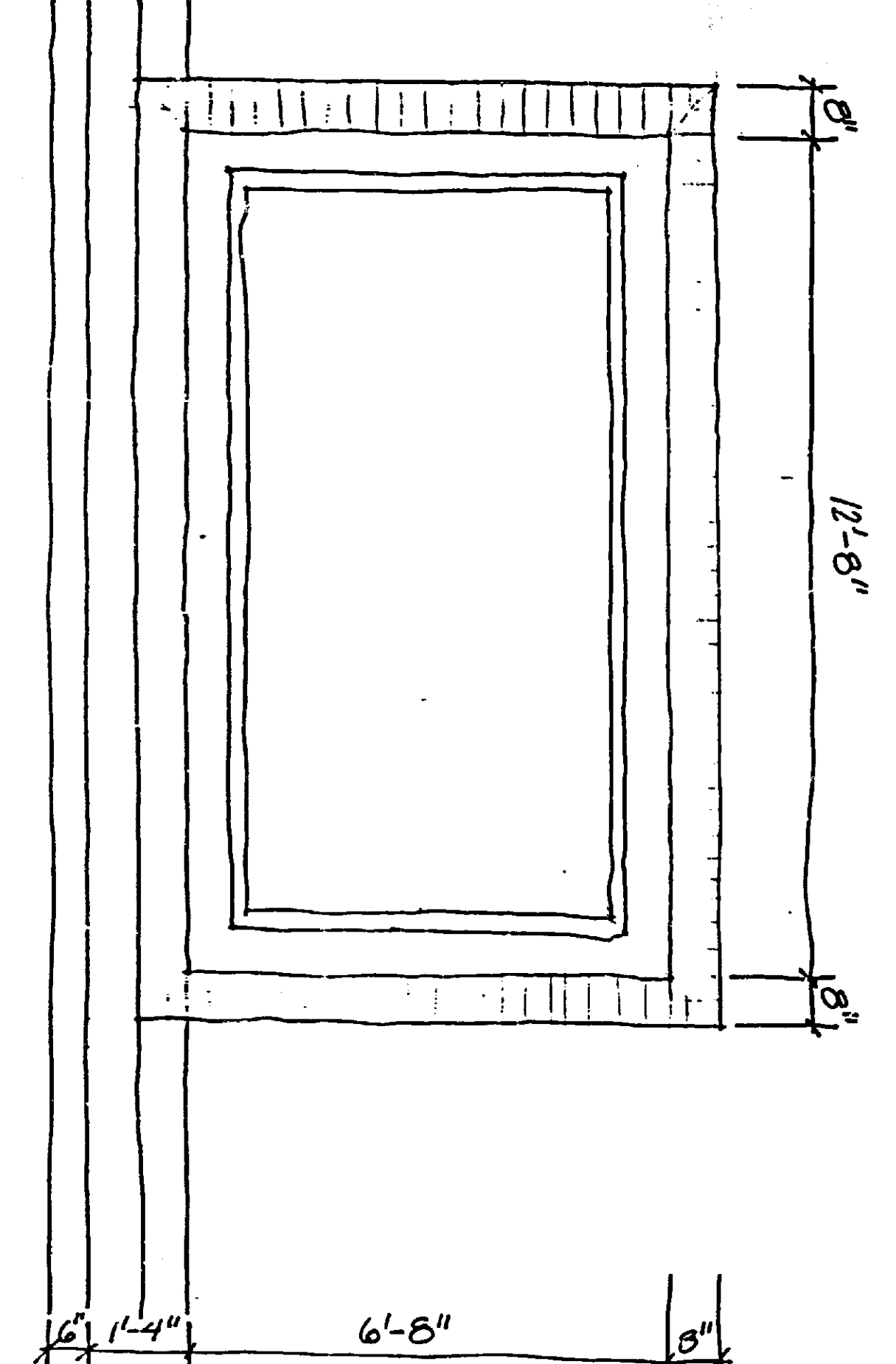
Pat Keller
Pat Keller
Deputy Director

PK:rdn
PBRD/TXTROZ

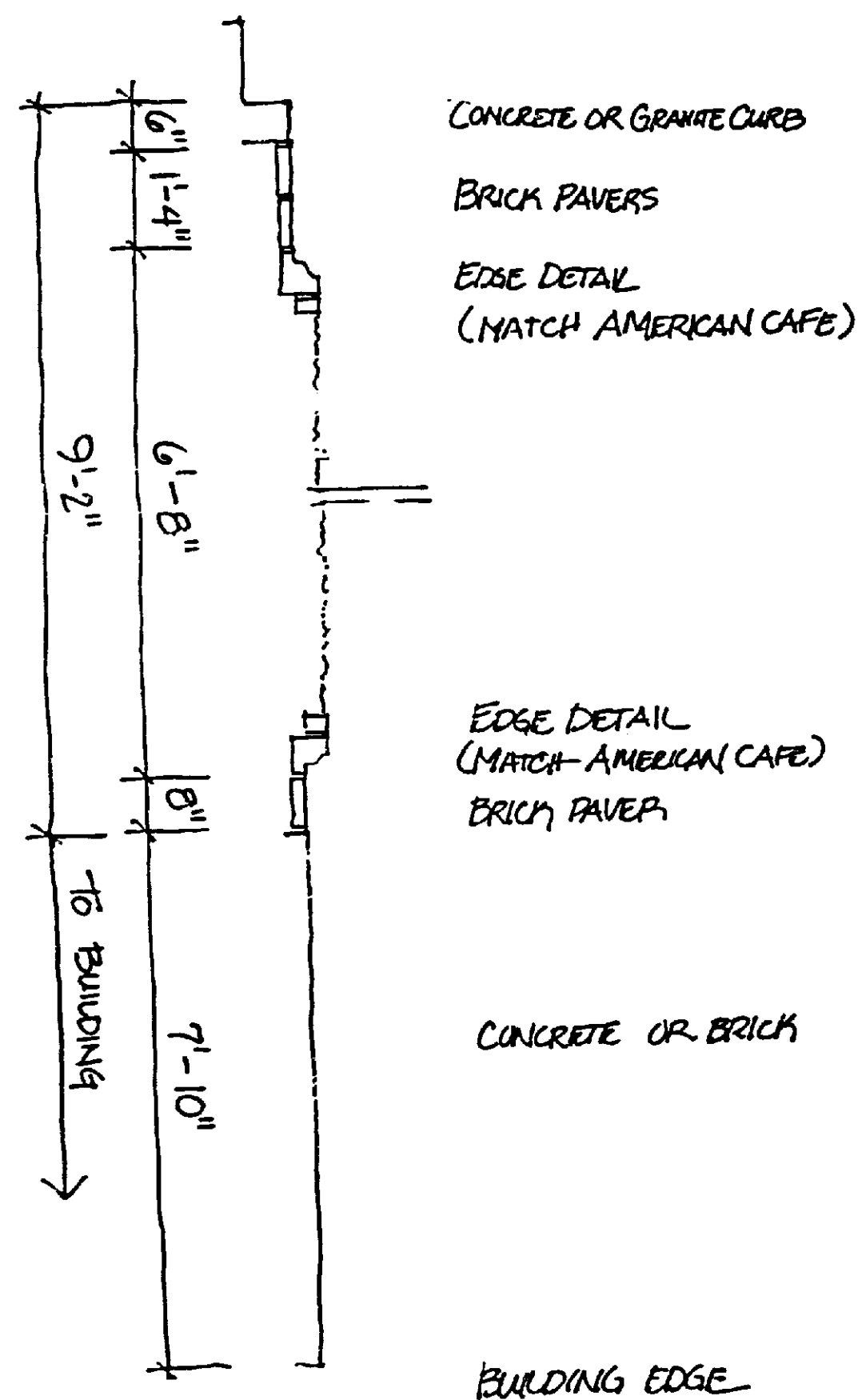
111 EAST CHESAPEAKE -
STREETSCAPE SCENARI



STREETSCAPE DETAIL
1/2" = 1'-0"



STREETSCAPE DETAIL
1/2" = 1'-0"



Paul Leo P.E.

Paul Leo Engineering Inc.
305 W. Pennsylvania Ave.
Towson, Maryland 21204
301-821-5341

July 25, 1991

1X-420

Mr. David Thomas
Department of Public Services
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 111 E. Chesapeake Avenue
J. O. 189048

Dear Mr. Thomas:

This is a request to extend the CRG approval for the above referenced project which will expire on 11/3/91 for an additional three years.

If you need any additional information, please do not hesitate to contact this office.

Very truly yours,

George Kambros
George Kambros

CL:tl

cc: Mr. Paul Brody
Mr. Donald Karm

Engineers - Surveyors - Site Planners

LAW OFFICES
ROSOLIO AND SILVERMAN, P.A.
SUITE 220, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

TELEPHONE 301-339-7100
FAX NO. 301-339-7107

DEBORAH C. DOPKIN

November 7, 1991

Lawrence E. Schmidt, Esquire
Zoning Commissioner for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 89-344-SPHA
111 E. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

In January, 1984, then Zoning Commissioner Jablon granted a petition for variances from certain provisions of the Baltimore County Zoning Regulations, primarily setback requirements, in connection with a proposed office building at the above captioned location. A copy of the Findings of Fact and Conclusions of Law from the zoning case is enclosed. The decision of the Zoning Commissioner includes two conditions unique to the property, one relating to the County Review Group ("CRG") approval and one relating to a landscaping plan.

An extension of the CRG plan was approved by all appropriate agencies of Baltimore County, and was signed on October 23, 1991. A copy of the approved Plan is enclosed. The comments of the Office of Planning approving the extension required certain modifications to the landscaping and lighting along Virginia Avenue. These modifications were presented to representatives of the residential community in a joint meeting with the Planning Office and the owner prior to the approval of the extension.

Submitted herewith are copies of the approved extended CRG plan, the comments of the Office of Planning and Zoning, and the landscaping plan. These items are being provided to comply with the conditions of the Order and for the purpose of maintaining consistency between the CRG and zoning records.

LAW OFFICES
ROSOLIO AND SILVERMAN, P.A.

Lawrence E. Schmidt, Esquire
November 7, 1991
Page 2

Thank you for your attention to this matter.

Very truly yours,

ROSOLIO AND SILVERMAN, P.A.

Deborah C. Dopkin
Deborah C. Dopkin

DCD/KMC

Enclosure

cc: Paul Brody
Arnold Jablon, Esquire, Director
Department of Zoning Administration
and Development Management

DOCS/DOCS/DOCS/DOCS/DOCS

RECEIVED
NOV 12 1991
ZONING OFFICE

IN RE: PETITION ZONING VARIANCES
 NW/corner of Chesapeake & Vir-
 ginia Aves. & W/S of Virginia
 Ave., 94.65' N of Pa. Ave.
 9th Election District
 Paul S. Brody
 Petitioner

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 84-174-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a front yard setback of zero feet instead of the required 15 feet from the property line bordering Chesapeake Avenue, a side yard setback of zero feet from the property line bordering the alley to the west instead of the required 10 feet, a side yard setback of 2 feet from the property line bordering Virginia Avenue instead of the required 10 feet, a zero foot setback from the street property line for parking spaces instead of the required 8 feet, an amenity open space ratio of .025 instead of the required 10 feet, 98 parking spaces instead of the required 91 or 36 spaces of 94 total spaces being 7.5' x 16' (210 square feet) instead of the required 8.5' x 18' (300 square feet).

The Petitioner is seeking to build a six story office building on the site in question, as is more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Counsel. Testifying for the Petitioner were Donald Kann, a registered architect, Roger Katzenberg, a registered architect, and Les Graef, executive director of the Towson Development Corporation. Appearing also was John Ronde, a business neighbor of the proposed office building.

Testimony indicated that the property is zoned B.M.-C.T. To the east, directly across from the site, is an area zoned R.O., comprising an existing residential area. The Petitioner owns the site which is comprised of two parcels, and he proposes to construct a six story building, of which one will be for parking and the other five for office use. The parking on site will permit room for 29 spaces of the 91 required, which is determined by the total square footage of the proposed building.

I N D E X

- 1.1 Site Preparation.
- 1.2 Status Desk Reviweing Agencies Signed off.
- 1.3 Bonded Permit.
- 2 Chronological Permits for 2914 Joppa Rd & 9618 Harford Rd.
- 3 Detail Project Information 2914 Joppa Rd & 9618 Harford Rd.
- 4 Photographs before and after topnograph change
- 5 Grading Permit 9618 Harford Rd
Letter of Credit
- 6 Grading 2914 Joppa Rd
Letter of Credit
- 7 S.W.M. permit 9618 Harford Rd
Letter of Credit
- 8 S.W.M. permit 2914 Joppa Rd
Letter of Credit
- 9 S.H.A. Extension
Letter of Credit
- 10 Bldg permit A
Bldg Permit B Application
- 11 Douglas Swam Letter
- 12 Letter of Special Exception 5/28/87 Granted
- 13 Letters from Baltimore County
John Sullivan
Carl Richard
Jim Dyer
- 14 Letter Jack Burger work performed
- 15 CRG renewal